3 P NO

File No. 81

1910.

Collection No.

~~Singapore Residency~~

CG
7/3/47

Pros. Serial Nos. 1 – 19

Subject.

Acquisition by the Military authorities of the building of the Bible & Tract Societies and grant to the Societies of a triangular piece of land between St Marks church & St Marks Road to erect a new building

Previous References.

7 7/81
7 508/90
7 334/05
7 255/08

Later References.

7 277/11
7 223/12
7 74/14.
New File 292/32

S. 97. (Blue).

CFP—6788&P—(6·1085)—10 3·30—1,00,000.

Margin for binding not to be written on.

~~If approved, he may be requested (A.G.) to do so.~~

5. No present action appears to be necessary. A communication is certainly to come from the military authorities in due course with reference to municipal

(A.1(c)) Presidents' letter N. 54 89 of 4. March 1910 to the address of the A.C.R.S.

Submitted.

H.S.
19/3/10

6. This may be considered by a Reference from the Military authorities.

19/3/10 (7) I think so. Possibly this idea may be reconsidered in consequence of Mr Richards' views.

Ref. H.G. 22/3

8. I think we had better communicate at once the case which must arise whether (and to what) the R.C.R.S. proposes to give an exchange for the B.D. Depot namely

Whether the Military Depts. are entitled under the Reg.ns of 15th Jan.y 1910 to exchange lighting land [illegible] under the acquisition & management for other land in private occupation required for lighting purposes.

M. 10/c
Dec.r 7
1881

Margin for binding not to be written on.

9. The para: 2 of the Reg.ns appears that the M.T. Depts. have no property in the land & therefore can have no proprietary right to the B. B. Dept people. Further Rule 3 of the Appendix to the Reg.ns says that the Imperial Depts. in administration powers of State lands or buildings may sell or otherwise part with them except

Notes–*continued.*

Margin for binding not to be written on.

(81)

No orders have yet been received here or in the Foreign Office
S.L.
23/3/10

and no such orders as to
Govt. of India may frame as
they think, are there any
such rules? If not, the
correct course would appear
to be for the Govt. Dept.
to relinquish the land to
the local Govt. (Rangoon)
& for us then to effect the
exchange they require.

S. F.
22/3

10. The rules of the kind referred to in
para 3 of Appendix to the Finance Dept.
resolution No. 295 F of the 19th January 1910
appear to have been issued subsequent to
the date of that resolution. The rules governing
the disposal of lands belonging to Govt. are
contained in Govt. of India resolution No. 1-149
of 6th Feb: 1872 under which the power of
disposing of them is vested in Govt. of India
& local Govts.

S.L. 7/3
'81

11. The effect of the recent orders
23/3/10 appears to be that Land

not required by the Military Dept for ~~its purposes~~ its use would ordinarily be relinquished to the Local Govt. & would remain. That Dept. ~~would~~ must to sell or the mere fact with them to another Imperial Dept. — vide para 4 of the Resolution; sale or transfer to a private person does not seem to have been contemplated by the S. of S. — then no orders of the S. of S. would be obtained.

s 10 (a) of the Act of 1881

One of the questions I think that is why it is.

2 7/3/6

Part

12. The Resolution speaks of State land "made over to the occupation & management" of any department, and further on defines the position by stating definitely that the department "has no property in the land" & that "its interest ~~being~~ is "confined merely to a right of occupation & user". This is perfectly clear and when read in ~~connection~~ conjunction with Section 2 of the appendix can leave no possible doubt regarding the position of land no longer required for departmental purposes. Section 3. Suggests that in certain circumstances

Margin for binding not to be written on.

Notes—*continued.*

Margin for binding not to be written on.

9

Resubmitted.

(83)

I have asked HERBERT
Upon the Residency direct-
ly he wishes to pursue the
Question of exchange

Wyndham
7.4.10

No: 1359: 8.4.10

9/4/10

File for the present.
HG. 12/4

R. P. B.—7-09.—2,000.

(82)

R. P. B.—4-1910.—3,000.

RESIDENT'S OFFICE.

Note Sheet.

File No. 81 of 1910.

81. 2

Letter No. 6526 *dated* 29 July 1910

from the A. C. R. B, Bangalore.

SUBJECT.

Disposal of 'military' land in front of No. 25 Cubbon Road.

A. 1.

The question of the disposal of the land in question has now taken a form different from that presented before in March 1910. Originally, the owner of the house No. 25 in Cubbon Road protested against the use of the ground in front of his house in the manner proposed, viz: for the erection of a work depôt. The military authorities have now come round the owner by promising to grant him free of cost a certain plot of military ground which is not required for military purposes, and enquire whether the Resident sees objection to this arrangement.

2. The proposal involves two matters:—

(a) grant to the Bible Society of certain plots of land deemed belonging to the military depôt in exchange for the present work depôt.

(b) grant to the disposal of another plot of land also deemed belonging to the military depôt in order

order that he may withdraw his objection to the construction of building on the plot of land referred to in (a).

Margin for binding not to be written on.

Before the proposal is taken to consideration it should first be made clear whether the plots of ground in question are really military land. The A.C.R.E. may be instructed if appeal to show prima facie grounds for the belief that these lands are military lands. Vide municipal orders on page 1 of this note as Sl. No. 1 of this file.

This seems to be the first proof to clear up.

3. When it has been established that these lands is belong to the military authorities, it has then to be considered whether the military authorities have the power to dispose of them in the manner proposed. Under finance dept. resolution No. 295 F dated the 19th January 1910, the military dept. have no property in these lands, their interest being confined merely to a right of occupation & user, & when these lands are not needed by them, they should revert to the administration of the Local Govt. Having regard to the advantages that will be secured by the military dept. if their proposal be carried out, it

Flag A

Ref. to Sl. No. 10 on page 1 of this file.

Notes-continued.

(18)

Margin for binding, not to be written on.

(2) The Collector may be asked for his views upon the A.C.R.E.'s letter under reference.

W.G. 4/8

7. Please reply to the following effect. The facts of the case under consideration appear to be as follows. The Bible Tract Societies were permitted to build premises on a block of military land. This land is now required for a military purpose, viz: the office of the A.C.R.E. According to the condition under which military land is handed over to a private person for building (para: 2 of letter under reply) the land may be resumed at any time when it is again required for military purposes, on payment of the value of the buildings. The simple course now therefore appears to be for the military authorities now

to pay the Societies the value of their holding.

Assuming however that there are insuperable objections to this course in the present instance, the question is whether the premises in question can be obtained

(1) By exchanging over to the Societies another site, on the condition denoted above

(2) By obtaining permanently for his Institution the adjoining plot of land in consideration of his waiving his objection to the site mentioned in (1) being acted upon by the Societies.

On general grounds I think that (1) is a legitimate use of existing land, if the land required for the H.C.R.E.'s Office cannot be acquired on any other terms.

Margin for binding not to be written on.

(79)

R. P. B.—4-1910.—3,000.

9

RESIDENT'S OFFICE.

Note Sheet.

File No. 81 of 1910

Letter No. 7648 dated 5th September 1910
from the A.C.R.S. Bangalore.

A. 4

SUBJECT.

Disposal of land in front of No. 25 Cubbon Road, C & M Station of Bangalore.

The case is described in this office letter No. 4777 dated the 10th August 1910 to the A.C.R.S.

A. 3

In connection with the proposal for the appropriation of the premises of the Hills & Forest Societies on the Cubbon Road as an site for the A.C.R.S., it was intended to make over to the Societies another site & to alienate permanently to a private individual an adjoining plot of land. It was pointed out to the A.C.R.S. that the feasibility of this proposal depended upon the power of the Military authorities to sell or barter Military land in the C & M station & it was suggested that action be taken in this case under the orders of the Govt. of India & that a general question raised with reference to a plot of Military land required for the purposes of the Bangalore Hospital. The orders of the Govt.

(78)

Notes—continued.

Margin for binding not to be written on.

From those of a purely Cantonment station, Town Buildings in Lands under private occupation is subject to the Local Municipal Laws; & the Conditions in this form of the example have said as regards House Buildings & resumption, will probably be found unobjectionable in this C & M station under the Authority of the Cantonment Authorities is amenable to the Jurisdiction of the Local Courts. The form is suited for application in a Cantonment. In any case the permanent lease of the Cantonment lands in question is open to the same objection as sale or other alienation under the present

R. P. B.—3-1910—1,000

10

Govt of India do not appear to have yet been received on the reference made on the subject in letter No. 2615-M.W.-5 of 8th August 410 from the G.O.C.-in-C. Division. G.A. 72-File 558/99

2. It however appears from the present communication of the 5th Sept. 410 from the M.C.R.S. that it is under contemplation to release the lands in question. It is submitted that the lands cannot be released by the Military Deptt because, under the terms of the Govt of India Military Deptt resolution, No. 295-A dated the 19th January 410, they ceased to be required by the Military Deptt. 04-File 61/10 G.A. 10 File 2/61

the administration of the Local Govt as no longer needed by the Military Deptt.

If the Military Deptt possess the power to release the lands, it is submitted that with due regard to the form of lease provided by the A.C.R. a nominal rent at least should be charged. As regards proper rent for the lands in question, the Collector of Bangalore may be asked to report, if necessary.

Submitted for favour of orders.

Ad. 19/9/10 The C.A.S. Station is not a Cantonment & the conditions here are different.

12

Depts Resolution No 295-A of the 19th January 1910 and the A.C.R. [illegible] may be referred and it may be added that no lease of the land is quite accepted to the conditions of the C.A.S. Station and that under the proposed rent appears to be chargeable in all cases

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE BANGALORE. 13 SEP 1910 G. & M. STATION.

Margin for binding not to be written on.

Mr. 5453 8/12-9-10.

Forwarded the Collector & Dist. Magistrate with remarks upon this proposals* by whom. * 1 Hotel. 2 Change rent a R.

Rec: 4539 12/13-9-10.

Returned.

The terms of para 2 of the G.I. Resolution of 19.1.10. absolutely preclude the Military authorities from leasing the land a permanent

(8)

selling it at 15 rupees per
pa a nominal figure.
The form I leave with
you & the Acre is
I submit Scottish as
suited to the Coorg
Station & it would be
a most dangerous
precedent to intro-
duce it.

J Richards
22. 9. 10

Provided that the Mily Dept receive
from us all the help we can possibly
give there will be no occasion for any
difference of opinion that I can see. Mr
Richards is right, and I feel sure
that if it is represented to the ACR.
that the transactions he recommends
should be carried out by the Local
Govt in the circumstances of the Civ
Station of Bangalore (which are not those
of a cantonment) according with circulars
referred to, and that such will be done

they will be perfectly satisfied
a.c.R.s. may be so addressed

Hy. 28/9

Resdt.

This seems right; but, if Mr Richards wishes to speak, I shall be glad to hear anything he has to say – You might communicate with him.

DD 28/9

Col Reynolds is temporarily absent from Bangalore, Resident wishes this file to be put up at the meeting of officers at the Resdy at 10.45 a.m. on Tuesday next.

Hy. 30/9

Resdt.

The position appears to me as follows:-

(1) Under Resdt. No 295 A dated the 19th Jan 1910 (placed before) Appx Rule No 2 the lands in question shd be relinquished to the Local Govt c.c. the Resdt.

(2) The Local Govt can administer the land as it

(60)

Notes—continued.

Margin for binding not to be written on.

Vide Secl. No 1 File 7-81.

I am directed to think that the lease transmitted by the A.C.R.E relates to Contractor's purpose & the fact that Bungalow is for a Contr. has been overlooked.

19

thinks fit provided that there is no permanent alienation, which also requires Govt of I. sanction. In the present case the Resr can grant leases of the lands to the Societies & Mr. Simpson on favourable terms i.e. on a nominal rent, but the following conditions are necy.

(a) The land forms part of the Municipal lands & is subject to all ~~military~~ municipal rules

(b) The contract, as lying between the Local Govt & other parties & not being any concern of the military shd be drawn up by the Collector subject to the Resr's approval.

(c) The grant lease shd be for a definite period subject to renewal & it will be obviously open to the Local Govt as lessor to cancel the lease on reasonable notice if the ground shd be required for any public purpose.

(d) Main heads such as extensions of buildings & erection of fresh ones shd require sanction of lessor.

I put up a draft for approval.

PKW 6/10

R. P. B.—7-09.—2,000.

Thanks. This seems fairly right. Perhaps Amyot be as well put to him to Mr Richards before we. In case he has any remarks

To Colleche
PBW
6/10.

7/10/10

Resubmitted.
Have nothing to add to the draft.
Where military authorities desire to purchase land relinquished with a view to future expenditure the Civil authorities sell land so relinquished, & the proceeds be dealt with credited to military funds by mutual arrangement with G.I. (e.g. unused relinquished Naafiers Rifle Range)
Under Sec 43 of BML such relinquished lands cannot vest in the

Issue.

Yes. I think this can be done, but the point hardly arises in the present case.
PBW
11/10

Margin for binding not to be written on.

(63)

B. P. B.—4-1910.—3,000.

RESIDENT'S OFFICE.

Note Sheet.

File No. 87/1910

Sl 6

Ernst ~~Letter~~ No. 5717 dated 7th Dec 1910.
from The Asst. Govt Surveyor

SUBJECT.

Mrs Cumpsons protest

The question whether the vacant land in question is military land or not is hardly relevant so far as the petitioner is concerned. It is undoubtedly Govt land & is apparently in the occupation of the Military Dept. The possibility of Govt having to pay a heavy compensation at all, to Mrs Cumpson need not be considered at the present stage. The objection from a sanitary point of view seems to be the main point in this case

Perhaps we may ask the A.C.I.E. whether there is any proposal to build in this island. It might possibly be profitable to speak to him on the matter and ascertain the facts if we can in the first instance.

9/12/10

Colonel Reynolds

Would you kindly note whether there is any change in the position, & whether the original proposals have been altered as indicated in Mrs Simpson's memorial.

MRW
10/12.

No 7497
7/10-12-10.

III

No 10599 D/15-12-10

I have shown this to the G.O.C. Troops, Transvaal & Orange River Colony, who has no objection to the proposal.

Gen O. 10489
12/12.10.

Put up statement of case [illegible]

12.12.

Sir,

Put up herewith

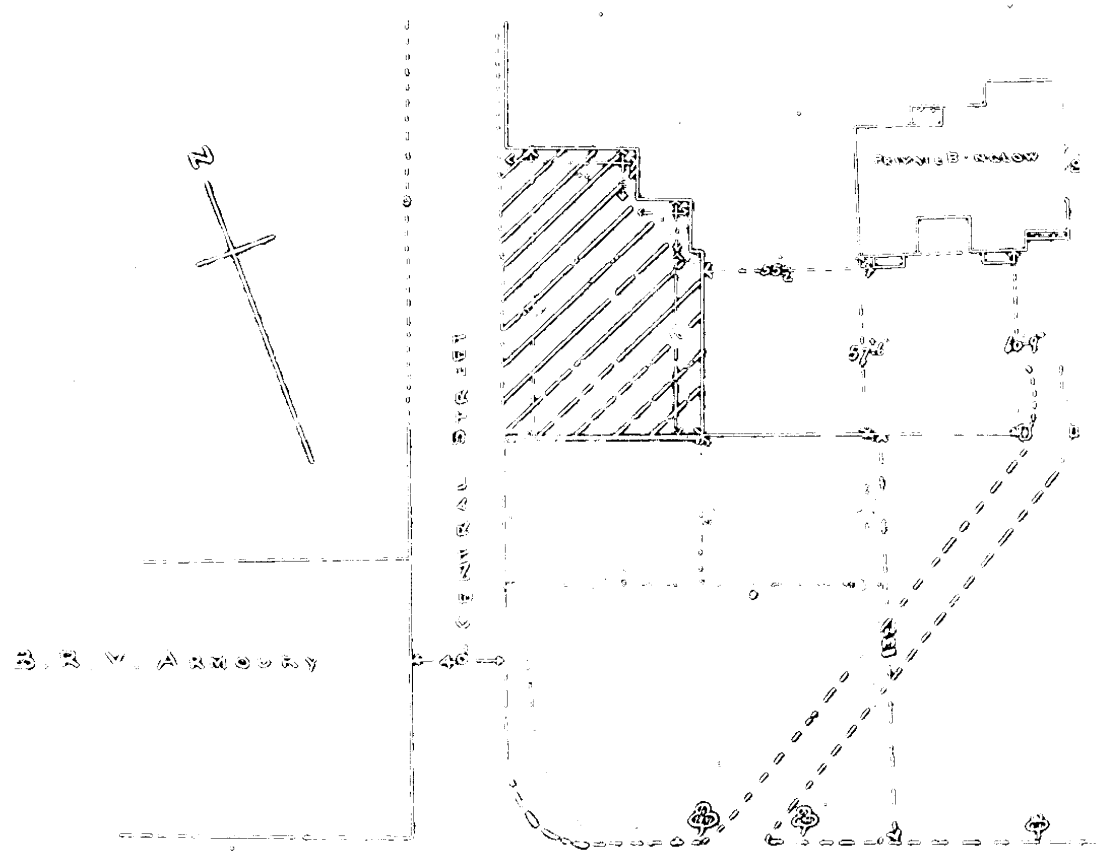
14-12-10

Margin for binding not to be written on.

BANGALORE

SKETCH OF GROUND EAST OF VOL. AR

SCALE 50 FT



ASST. OFFICE,
BANGALORE,
23RD MAY 1910

Notes—continued

Margin for binding not to be written on.

(58) 5

Returned to day. We shall hear further from Col Reynolds

D 20/12/10

Col Reynolds letter of 3/5 January 1911 is sent here with for orders. Do not close on what terms it is hard to be handed over to the Bible & Tract Society.

A telegram was rec'd yesterday from Lt Gen Sir [illegible] to the effect

MRH
11/1

Rest

There are two points which require decision.

(a) The question of building the quarters for the Sergeant Instructors & the guard which was originally to be allotted to the Bible & Tract Society

(b) The new plot which is to be given to the B. & T. Society.

Referred letter from General Troops

In regard to (a) please see telegram below & the Resident's note (placed below). You suggest that Mr Simpson's property might be acquired Secs to be met out of the question, but no doubt his demand will probably go down if the matter has pressed. With this we Previous notes may be read are not immediately concerned. I think we may reply to the telegram as follows:- "Your telegram 142 M.W.S. Resident reports that as question in regard to arbitrate claim might appear before him in his judicial capacity, he is precluded from ~~to~~ offering any advice. My own view is that the land is Govt property & they are entitled to hold. As to the value of Mr Simpson's property might demand, & the original question of determined, & the original question of Compensation in Sec 6 might arise. There are two definite objections to building by Queen's Gate that have already been discussed, & I think the military authorities must form the sole judges if they build a tower on the risk of being sued if they build a tower on their responsibility."

(b) May be forwarded to Mr Richards for remarks. Personally I think that the existing objections to building on either site is open to objection & if building on either site has occurred the military authorities have bought the right that the matter at present may be taken as at A & B.

Letter No 6 d/ 3/5 Jan 1911 fm A.C.R.E.

Margin for binding not to be written on.

A

Telegram

PBW 13/1

Notes—continued.

Margin for binding not to be written on.

7 (5C)

Action as proposed 13/1

Issue as Dispt Envoy Cable.

16/1.

H U

Issued in Dispt 17.1.14

Resubmitted.
Please see my official letter No 5594 of 31st Dec. and
Mr Richards
1.2.11

S 13

Letter No 5594 of 1st Dec. 1911 from
Chargé, Brussels.

Submitted for orders.

3/2/12

Rest.

You might like to speak to Col. Reynolds about both these cases. Personally I think it would be better not to write a letter.

6/2

Discussed 7th inst

R. P. B.—3-1910.—1,000

Draft rec'd in accordance with 7 Bks

pressed into the Case

9/2/11

Rest.

Reg issue.

MBW.
10/2

Sec Office.

Issue as altered.

MBW.
13/2

Dft'd W 8559 9 14-2-11

M M/4

Margin for binding not to be written on.

(54)

E. P. B.—4.1910.—3,000.

RESIDENT'S OFFICE.

Note Sheet.

File No. 81/1911.

Telegram Letter No. K 222/15 dated from N.J.O.C.

SUBJECT.

Construction of any / Sentinels / Guards

The papers on the subject were sent to Camp yesterday.

2. The Simpsons as owners of the Dominant tenement might possibly claim as an easement, (a) a right to the free passage of light & air to the premises, & (b) a right of way over the military land. In either case he should first prove a continuous & peaceable enjoyment of the right for 60 years. If he succeeds in doing this, the difficulty regarding (b) can easily be got over

Doubtful.

He has to prove Servitude, vide Reg's right note on 26 of the Limitation Act, 1908 (IX of 1908)

Practically impossible.

9

by printing for access to his name by another way. — ~~As~~ as 22 of the Easements Act, 1882 (45 & 46 Vict. c. 39). The right to light & air cannot be acquired in respect of open ground. — Where as in ~~certain cases~~ decisions marked as 74, 75 & 78 of the Act relating to Easements in Buildings under by law walk.

3. The above appears to be the position of the Law. The Court of the Chief Justice is not to be construed, it is not advisable for the Chief to give any opinion either on a matter which is likely to come up before him judicially.

O

10/1/11.

This is [illegible] day

Margin for binding not to be written on.

× Although this Act is not in force in the colony, the principles apply

O.

B. P. B.—4-1910.—3,000.

11

RESIDENT'S OFFICE.

Note Sheet.

File No. 81/1510

8115

Letter No. — *dated* 13.2.1911

from The Chamier A.S.

SUBJECT.

Action of a civil case against Govt of

Draft noted for approval

A.C.R.E. has a copy the 15/2. he showed me yesterday. What I want to know is whether we need take any action. I take it that A.C.R.E will report for orders a case stated pending the Suit in the District Judge's Court.

MBW. 15/2

yes please

In case of suits concerning or connected with the duties under the Rents Control, the rules of the 6th Sept. 1900 issued by this Govt apply. The Collector has to submit a report in

S 5 A of file 120/1909

make the necessary arrangements for defence. The present case concerns the workings of the Entry dept. which is not under our control. We need take no action in the matter, but it would perhaps be as well to communicate this to the A.C.R.E. The notice of the trial received by us just to show to the Entry. But we are not taking any action in the matter.

Very good.

18/2/.

Received No 554 of 21.2.1911 P. 16

Margin for binding not to be written on.

(50) 13

B. P. B.—4-1910.—3,000.

RESIDENT'S OFFICE.

Note Sheet.

File No. 81 of 1910

81.19

Letter No. 446 *dated* 23rd February 1911

from the A.C.R.B, Bangalore.

SUBJECT.

Building quarters by the military authorities on the site adjacent to No. 25 Cubbon Road.

A.16 The Collector is against the proposal. The G.O.C asks for Resident's opinion as to whether building operations are to be stopped as desired by Mr. Simpson or whether they may be proceeded with. Please see, in this connection, Asst. Resident's note dated 13th January 1911 on page 6 of Note appended to Collection 6-14.

A.19 2. It would seem desirable now to offer an opinion in the matter, for it is likely that the question may come before the Resident officially in his judicial capacity. ~~If appointed the A.C.R. should be informed, but~~ ~~not~~ ~~legal advice should be obtained in the matter~~ on this ground as Asst. Resident prepared not to give any advice in the matter if he were asked for opinion

6/3/11

v 8.

on the legal aspect of the case -
on general grounds the Rent is
apparently not in favour of the
ground being built upon - The
opinion may be expressed apart-
from the legal aspect of the question

Margin for binding not to be written on.

Handed back - We have discussed it already.

6/3/a

Seeing the petitioner can call on the Civil Judge to issue an injunction he must be obliged. Col. R. can go on building until he receives it at his own discretion.

MRW. 7/3

I will speak to Col. R. MRW 8/3

16/3 (47)

No. 5620 with 3 encls & 1 blue print

H.O.
6 —1,500—5—4—1909.

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 11-14 March 1910.

FROM

F. J. RICHARDS, ESQUIRE, M. A., I. C. S.,

President, Municipal Commission,

C. & M. Station, Bangalore.

Major W.G.Grey I.A.,

First Assistant to the Resident in Mysore,

SIR, Bangalore.

I have the honor to submit for such orders as the Hon'ble the Resident may think necessary and proper to pass in the matter, copy of the correspondence marginally noted, regarding a piece of vacant ground in the vicinity of the premises No.25 Cubbon Road.

1. Letter from A.C.R.F. No.1777 dated 28-2-1910 with enclos.
2. Letter to A.C.R.F.No.5489 dated 4-3-1910.

2. From the Assistant Commanding Royal Engineer's letter it will be seen that there is a proposal under consideration to take over from the Bible and Tract Society their book depôt adjoining the Staff Offices for use as the Assistant Commanding Royal Engineer's Office, and give the society the vacant land in front of 25 Cubbon Road in exchange for which is to be erected a building for use as a book depôt. My views regarding this proposal are as stated in my reply to Assistant Commanding Royal Engineer.

3. In my opinion, the purpose for which the vacant land is required, by the Bible and Tract Society, is not a Military purpose. For the reasons stated in my reply to the Assistant Commanding Royal Engineer any building on the land seems to me to be objectionable from a Municipal point of view, and

and when the land is transferred to the Society the question may arise as to whether the provisions of the Municipal law will not apply to it, in which case municipal sanction will be necessary before any building can be erected on the land. Further, I am inclined to think that the recent orders of the Government of India contained in their Resolution marginally cited regarding the transfer of lands to the Local Governments when they are no longer required for military purposes, apply to the present case.

Finance Department No.295A dated 19th January '10

R.I.D. of 1881

4. Another point that I would lay stress upon is the fact that the owners of several houses on Cubbon Road have spent money in improving their property and it would probably involve Government in Civil litigation if another row of houses or offices were erected on the narrow strip of land between their houses and Cubbon Road.

I have the honor to be,

Sir,

Your most obedient servant,

President, Municipal Commission,

Civil and Military Station, Bangalore.

(45)

1(a)

Letter No.1777 dated 28th February '10 from the Assistant Commanding Royal Engineer Bangalore Brigade M.W.Services, Bangalore to the Collector C & M Station, Bangalore.

I have the honor to forward herewith copy of a letter dated 20-10-'09 from Mr.R.W.Simpson C.E.V.C. You are aware I think that it has been proposed to take over from the Bible and Tract Society as an office for the A.C.R.E. Bangalore, their depôt adjoining the Staff Offices at this Station. This proposal is sound from the point of view of Military Administration. In exchange for the user of the piece of Military land on which the Bible Tract depôt stands it was proposed to hand over to the Society another site on Military land.

2. This site is shown on the blue print attached and the proposal to build the new Bible and Tract Depôt on it, is what is objected to by Mr.Simpson - Taking his objections in order No.1 appears to me frivolous, could it be upheld in a court of law?

No.(2) It is proposed to give in exchange for the existing right of way shown on the plan another right of way along the east side of the proposed enclosure. Is it possible to insist on doing this or would such conduct be actionable?

No.(3) Allowing that the value of the adjoining property is depreciated, which is a matter of opinion, can the owner of the adjoining property object for this reason to the erection of a private building on the plot of ground under consideration or could he object to the building being used as a shop? Could he object to a Military building being erected there?

No(4) Also appears frivolous. Presumably, the Municipality has powers to insist on proper sanitary conditions being maintained. Would they consider that the erection of a Bible and Tract Depôt and latrines for their employees will render the locality congested and insanitary.

No(5) I know of no rights that can have existed from time

.time ~~in~~ immemorial. Assuming he can claim "ancient rights" these will not be interfered with.

3. In regard to the remainder of the letter the transfer is distinctly for Military purposes as already explained. The other convenient sites in the neighbourhood would be open to the same objections, if there are objections, as those now put forward. Can you tell me anything about the protest entered by the Braisher Estate representatives and why it was allowed?

4. If you will be so good enough to give me your opinion on the above points, and any remarks that may occur to you as bearing on the case, I will submit it for decision by the Military authorities, if necessary.

Copy

A. Clarke

Secretary.

Letter dated 20th October 1909 from Mr R. W. Simpson to the Assistant Commanding Royal Engineers.

(43)

1161

On behalf of my wife who is the owner of the house and grounds known as No.25 Cubbon Road, to which a right of way from several points has from time immemorial existed from Cubbon Road across the open space between the house and the road, I write to say that we have heard that the local Military authorities have sanctioned or are about to sanction the transfer of the open space alluded to, to the Book and Tract Depôt Society in order to be built upon. We beg to submit that any building erected on the vacant site would tend,

1stly. to obstruct the view across the open space southwards.

2ndly to deprive the house of the existing rights of way.

3rdly to depreciate the value of the property.

4thly to render the locality congested and unhealthy from a sanitary point of view.

5thly to interfere with rights that have existed from time immemorial.

Moreover the transfer does not appear to be for Military purposes even in which case other convenient sites are available in the vicinity. We are also informed that when some years back the new volunteer buildings were proposed to be erected on the open space alluded to, Mr.Hartwell James the Executor of the Braisher Estate of which my wife's house was one of the properties entered a protest to either the civil or the Military authorities and the said protest was allowed.

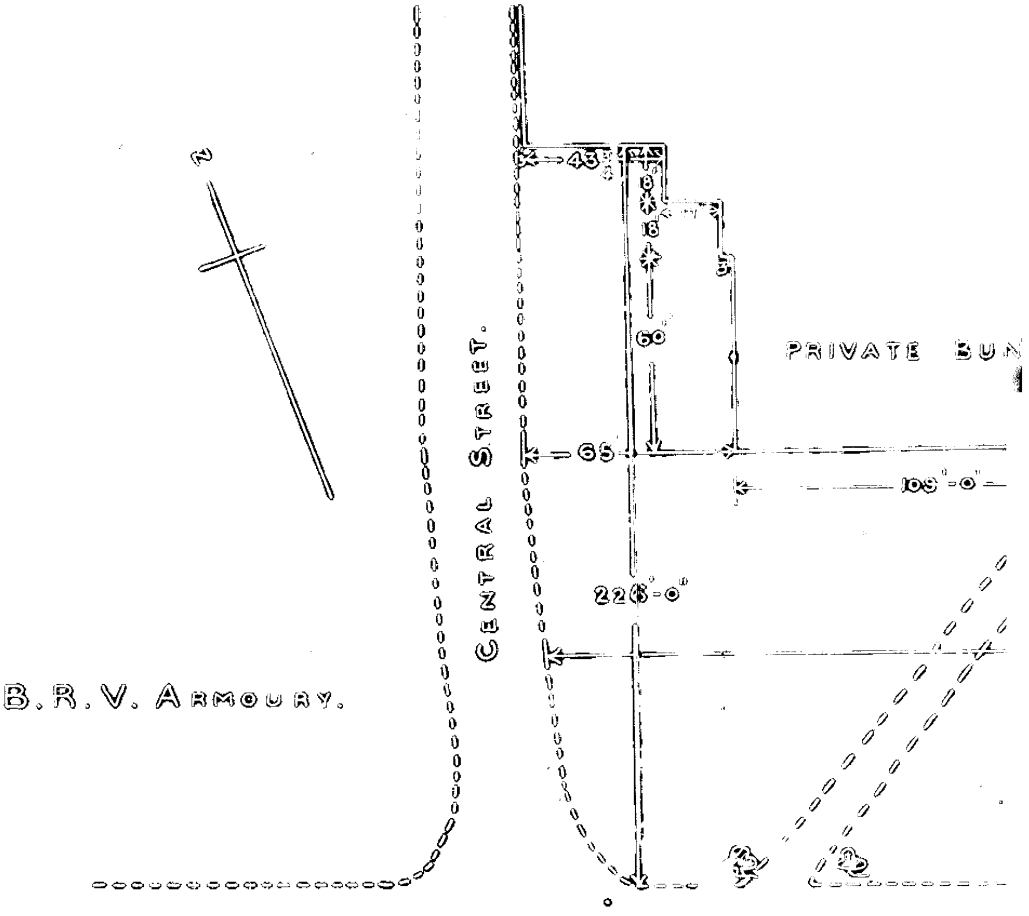
There is scarcely time for a proper memorial being now submitted on the subject but as the matter seems urgent we have decided to submit this letter and to ask you to submit the same as and by way of protest to the higher Military authorities as early as possible so that the same may be in time for consideration.

My wife being unable at present to attend to business matters and as I am leaving the Station on urgent official business I beg you will be pleased to regard this as a sufficient

— BANGALO

— SKETCH OF GROUND EAS

— SCALE 5



Measured and drawn by
V. R. Balakrishnan. 21/2/55.

Traced by V. T. Thiruvachalam.
1/2/55

(40) 1(C)

Letter No.5489 dated 4th March '10 from the President, Municipal Commission C & M Station Bangalore, to the Assistant Commanding Royal Engineer, Bangalore Brigade M.W.Services, Bangalore.

I have the honor to acknowledge the receipt of your letter No.1777, dated the 28th February '10, on the subject of the vacant ground in front of No.25 Cubbon Road.

2. With reference to subparas 1 and 2 to para 2 of your letter I regret I cannot give a legal opinion on the point at issue, but think that the owner of the property would have a good case if he went to Law about it.

3. As to whether the erection of a building of any kind in front of No.25 would at all take away from the value of the property (Sub para 3), I am inclined to think it would, and if so the Government would be held responsible for the depreciation of the property.

4. From a Municipal point of view (Sub para 4), I am of opinion that it is not desirable to construct any building on the vacant land in front of No.25 Cubbon Road, in fact in front of any house on Cubbon Road, unless a good wide road was provided between the old and new buildings.

5. As to para 3, I am doubtful if the right to sanction any building on this land or any such land vests now in the Military Department, for under the Government of India Resolution cited on the margin, all land not required for a purely Military purpose must revert to the Local Government i.e. the Resident in Mysore.

No.295A
Finance Department.
Dated 19th January '10.

R w/a 67/21

6. In the circumstances I am sending a copy of the correspondence to the First Assistant Resident.

Copy

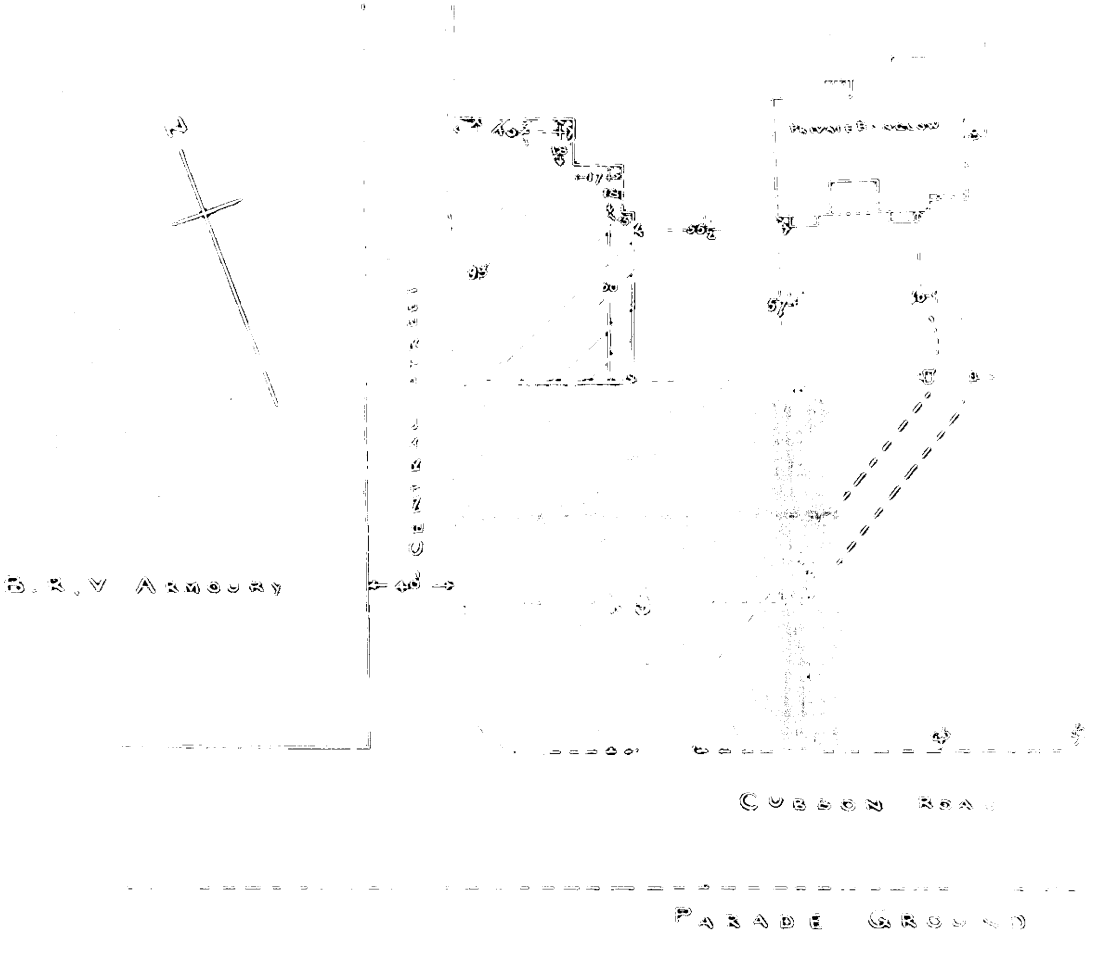
A. Claile.

Secretary.

Bangalore

Sketch of Ground East of B.R. Vol. Armoury

Scale 30' =



No. 4777.

From

Major W. G. GREY, I. A.,
FIRST ASSISTANT to the RESIDENT in MYSORE.

To

The Assistant Commanding Royal Engineer,
Bangalore.

Dated Bangalore, 10th August 1910.

Sir,

I am directed to reply to your letter No.6526, dated the 29th July 1910, regarding certain proposals formulated in connection with the appropriation of the premises of the Bible and Tract Societies on the Cubbon Road as an office for the Assistant Commanding Royal Engineer.

2. The facts of the case under consideration appear to be as follows: The Bible and Tract Societies were --- permitted to build premises on a block of military land. This land is now required for a military purpose, viz., the office of the A.C.R.E. According to the condition, usual, when military land is handed over to a private person for building (paragraph 2 of the letter under reply) the land may be resumed at any time, should it be again required for military purposes, on payment of the value of the buildings. The simple course would therefore appear to be for the Military authorities now to pay the Societies the value of their building. Assuming, however, that -- there are insuperable objections to this course in the --- present instance, the question is whether the premises in question can be obtained

R. P. B.—6-1910.—400.

R. P. B.—5-1910.—1,000.

(1) by making over to the Societies another -- site on the condition described above, and

(2) by alienating permanently to Mr. Simpson an adjoining plot of land in consideration of his waiving his objection to the site mentioned in (1) being built upon by the Societies.

3. On general grounds, the Resident thinks that -- the action involved in (1) is a legitimate use to make of Military land if the land required for the Assistant Commanding Royal Engineer's Office cannot be acquired on any other terms. The course indicated in (2), however, appears to him to be more open to objection on principle, -- since assuming that the land is military land (as to which some primia facie evidence will have to be addressed if the transaction is to be carried out through the Local -- Administration) the proposal involves the permanent alienation of Government land to an individual for his private benefit irrespective of any service to be performed. The feasibility of both proposals, however, depends upon the power of the Military authorities to sell or barter Military land in the Civil and Military Station of Bangalore, and since it seems probable that this point will be referred to the Government of India as suggested in this letter No.4450, dated the 26th July 1910, Mr. Fraser would prefer that action be deferred in the present case until the orders of the Government of India have been received on the general question.

S71.7556/99

I have the honour to be,

Sir,

Your most obedient servant,

Major,

First Assistant Resident.

K.M.
9.8.10.

...GALORE.
5450
9910
81
TRW

4

9/Eff

I. A. F. 2010.
Gratis—Departments.
Payment—Corps.

No. 7648.

SUBJECT

Office of the Asst. Commanding Royal Engineer,

Station Bangalore, *Date* 5th September 1910.

FROM

Lieut-Colonel A.E.REYNOLDS R.E.,

Asst.Comdg.Royal Engineer, Bangalore.

To

THE First Assistant to the

Hon'ble the Resident in Mysore,

Bangalore.

Sir,

8l. 3

In reference to your No.4777 dated 10th.August 191 will you please let me know whether in the event of the two plots of Military land at the corner of Cubbon Road and Central Street being leased to the Bible and Tract Societies and t Mr.Simpson respectively, the Hon'ble the Resident considers that any rent should be charged, and if so, how much. The G.O.C.troops Bangalore does not consider that any rent need be charged in either case, but the G.O.C.9th.Division wishes the Civil Authorities to be consulted. A form of our usual lease is attached for information.

I have the honour to be,

Sir,

Your obedient Servant,

Lt-Colonel R.E.,
A.C.R.E. BANGALORE.
E.S.A.

5/9

(33)

4/A

Form of lease to be executed in cases of land in Regimental Lines leased out for building sites.

This Indenture witnesseth as follows :—

1. The General Officer Commanding 9th Division doth hereby grant unto the Lessee, his heirs, executors, administrators, representatives and assigns, liberty and license to enter into and upon the piece or parcel of land delineated in the site plan hereto appended and to occupy the same as a site for the erection of buildings, and henceforth to hold and enjoy the same and any buildings erected by him thereon subject to the payment of the yearly rent of rupees

and subject to the conditions set forth in the annexure hereto.

2. The lessee doth hereby, for himself, his heirs, executors, administrators, representatives and assigns, covenant with the General Officer Commanding 9th Division, his successors and assigns that the Lessee, his heirs, executors, administrators, representatives and assigns shall and will duly pay the said rent in the manner provided in the annexure hereto and observe all and every the conditions hereinbefore referred to and on his and their part to be observed.

In witness whereof the said parties hereto have hereunto set their hands and seals.

Signed sealed and delivered by _____

Principal Staff Officer of the General Officer Commanding the Division

Signature of Principal Staff Officer _____ Seal of P. S. O.

in the presence of

Signature of Witness _____

Signed, sealed and delivered by _____

_____

Signature of Lessee _____ Seal of Lessee.

in the presence of

Signature of Witness _____

7648/60.

No. 6155 Income. 5

FROM

P. B. WARBURTON, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Assistant Commanding Royal Engineer,
Bangalore.

Dated Bangalore, 11th October 1910.

SIR,

SC.4 With reference to your letter No.7648, dated the 5th September 1910, on the subject of leasing certain plots of ground to the Bible and Tract Societies and to Mr. Simpson respectively, I am directed to make the ---- following observations.

2. In the first place the Hon'ble the Resident is of opinion that the procedure to be adopted in such cases is clearly ~~laid down in rule~~ laid down in rule 2 of the appendix to Resolution *No.295-A., dated the 19th January 1910, of the Government of India in the Finance Department. The proper course will therefore be for the Military -- authorities to relinquish the land in question to the -- Local Government and the manner of its disposal would therefore lie with the Civil authorities.

*Copy SC 16. of 1911 enclosed. F. 7 SC

3. Colonel Daly is quite prepared to meet the --- wishes of the Military authorities in regard to the --- grant of favourable terms to the proposed lessees but it is clear that certain restrictions must be placed on the transfer in order to preserve intact the permanent ----

R. P. B.—10-1910.—500.

ownership

9/12/10 No. 7450 (25) 7/12 6

Date of Receipt 8/12/10

81/1910

5617 Encl.

Office of the Collector & President,
Municipal Commission, C and M. Station,
Bangalore, 8th December 1910.

F o r w a r d e d.

2. I am not aware whether there is any serious proposal on foot to build on the site referred to in the petition.

3. Such a building if erected would inevitably involve Government in a suit for damages and I feel pretty certain that substantial compensation would be claimable for loss of right of way and depreciation in the value of the property.

4. Such a building would further be objectionable from a sanitary point of view and would stultify the work done by the Municipal Commission for the relief of congestion with the approval and aid of the Government of India in Blackpalli by blocking in Mr. Simpson's and the adjoining property with latrines and servants' godowns.

5. The building would, if erected, alter the character of and spoil the Cubbon Road which at present thanks to the open land on each side of it, is one of the most attractive features of the Station.

Collector and President,
Municipal Commission.

Regd. No. 6762. (27) 6/9

BANGALORE

_____1910.

To

The Honorable

the British Resident in Mysore

BANGALORE.

Through the Collector & President, Municipal Commission, C. & M. Station, Bangalore

The humble memorial of Daisy Millicent Simpson wife of Mr Robert Wallace Simpson, residing at 25 Cubbon Road, Civil and Military Station, Bangalore.

Respectfully showeth,-

That your memorialist is the owner of the house and grounds known as 25 Cubbon Road in the Civil and Military Station, Bangalore.

2. That on the Eastern side of the above property is another Bungalow, bearing No 25 A owned by Mr Rahatullah Sait and occupied by Mr Davis.

3. That the said two properties at one time, from the year 1839 formed part of the Brazier Estate, which for a long time was managed by Mr Richard Hartiwell James late Amildar and Sub-Registrar of Assurances of Bangalore Civil and Military Station.

4. That your memorialist is a lineal descendant of the late George Brazier and acquired the said property at a nominal cost of Rs 10,500/- which was much below its real value owing to the locality. The property was acquired with your memorialist's husbands' assistance in the year 1908, chiefly because your memorialist's intention was to preserve at least a portion of her ancestor's Estate. Most of the properties in the locality are owned by natives who have practically ousted the Europeans.

5. That the said two properties ever since their construction about 90 years ago had on the South side facing Cubbon Road, a piece of waste or vacant ground about 132 feet

feet in width, over which your memorialist's prededessors in title and your memorialist too, had a right of way to Cubbon Road. The view of the General Parade ground, and the said vacant land in front affording as they did much light, fresh air which greatly enhanced the value of the property in this locality.

6. The annexed is a sketch of the said two properties with the said vacant land on the South side of the said buildings and north of Cubbon Road.

7. A strip of vacant land, here and there built upon extends Eastwards on the north side of Cubbon Road. The Scotch kirk with its grounds separates the vacant land in front of your memorialist's property from other vacant land on the East side of the kirk.

8. The Revenue Survey Department in the year 1874, prepared a statement of assessed lands in " Bangalore Cusbah" which as your memorialist understands, corresponds with the limits of the Civil and Military Station of Bangalore.

In this statement which is a public official document, the said two pieces of vacant land, referred to in paragraph 6 above are referred to as " No 388 Waste land near the Barracks (Military) " which can be identified as the land to the East of the Scotch kirk and as " No 410 Waste land on the north side of Cubbon Road" which is identifiable with the land to the west of the Scotch kirk, and includes the open land in front of your memorialist's house in Cubbon Road.

The first of the lands referred to above as No 388 lies no longer in front of the " Barracks (Military)" for what was once used as Barracks for the European Infantry in Garrison is now used as Commissariat Store and Bakery buildings Your memorialist is informed that the European barracks further East, now occupied by the Cameron Highlanders were formerly occupied by the European Cavalry before the present barracks on the Agra plain were built.

9. For Municipal purposes the Government of India in their notification No 3955 I.A. I.A. dated the 29th December 189[illegible] (Foreign Department) notified that certain buildings and

and lands within the limits of the Civil and Military Station of Bangalore were in the exclusive possession of the Military authorities for Military purposes.

In the above notification no mention whatever is made of the two pieces Nos 388 and 410 of Waste land referred to in paragraph 7 above. From these and other facts, your Memorialist concludes that the said two pieces of land never were and are not exclusively Military properties over which the Military can build at their pleasure without reference to the Civil authorities or the local Municipal commission in whom are vested all lands which are not exclusively Military.

10. A little over a year ago, in October 1909, your Memorialist obtained information to the effect that as the Military authorities wished to extend their Office premises adjoining the " Bible and Tract Depot " they intended to acquire the building of the Religeous Society ~~which~~ owning the Depot, and to give them instead certain other land on which the Society could build.

The land selected by the Society happened unfortunate to be land in front of your Memorialist's house referred to in para 1 above.

In connection with this matter Your Memorialist's husband under Your Memorialist's instructions entered into certain correspondence with the Military authorities.

11. The representations made in the said correspondence were briefly as follows.-

(a) On the 20th October 09 it was represented to the Assistant Commanding Royal Engineer that the intended building on the land in front of Your Memorialist's house on the South side would

(1) Tend to obstruct the view across the open space.

(2) Deprive Your Memorialist of the existing rights of way.

(3) Depreciate the value of Your Memorialist's property.

(4) From a sanitary point of view render the locality too congested and unhealthy.

(5) Interfere with the enjoyments of other general rights that had existed from time immemorial,

(b) The Assistant Commanding Royal Engineer replied on the 16th June 1910, No 5048 and proposed certain compensation in the shape of extending Your memorialist's grounds within certain limits right up to Cubbon Road the Society's Depot buildings being restricted to the Western side of the vacant ground abutting on Central Street.

(c) The correspondence ended by the Assistant Commanding Royal Engineer proposing a lease in the prescribed form to Your memorialist of the proposed extension in reality of a perpetual character. In the belief that the Military authorities had exclusive right to alienate the said vacant piece of land and with the object of saving trouble and time Your memorialist assented to the lease with certain modifications.

12. The position as set out in paragraphs 9 and 10 above has since however as Your memorialist is informed changed. The Bible and Tract Depot Society have not been granted the land and the lease to Your memorialist has apparently fallen through.

13. Your memorialist is now informed that the land in front of Your memorialist's bungalow is about to be built upon by the Military authorities for providing quarters for the two Sergeant Instructors attached to the local Bangalore Rifle Volunteers. This is said to be at the instance of the present Commandant of the Bangalore Rifle Volunteers.

14. Your memorialist begs to represent that if these buildings be erected on the ground referred to the hardships would be greater than in the case of the Bible and Tract Depot which would not have been a residential place. Residential quarters for two Sergeant Instructors with their usual adjuncts in the shape of out offices, latrines especially , would quite shut in Your memorialist's bungalow and render it unhealthy if not untenantable. If tenanted no respectable person would care to live there or pay such rent as the property now commands. All the inconveniences represented in para 10 above as regards the Bible and Tract Depot would be tenfold accentuated.

15. Your memorialist therefore craves leave to urge for favorable consideration one of the following suggestions in Your memorialist's as well as in public interests Military as well as Municipal.

I. If the Military authorities be exclusively entitled to all the vacant lands between Cubbon Road and the buildings on the north side of the Road-

(a) The Sergeant Instructor's quarters might advantageously be built on the West side of the present Volunteer Armoury where there is plenty of ground at the back of the house No 36, Infantry Road now occupied by Mr J.E. Martin This house has a back entrance on Cubbon Road and a front entrance from Infantry Road which runs parallel to Cubbon Road.

(b) The intended new quarters might well be built on the vacant ground on the South side of the former European Infantry Barracks now Commissariat Store and Bakery buildings.

(c) As an alternative there is plenty of vacant ground, adjoining the quarters now occupied by one of the Sergeant Instructors off Hospital Road which is not far away from the Bangalore Rifle Volunteers Armoury.

II. There is a large Hall lying unutilised in the extensive square now devoted to Commissariat purposes. This was formerly the European Barracks above referred to With very little expenditure this can easily be adopted for residential purposes.

III. If new buildings must be erected where the present Commandant of the Bangalore Rifle Volunteers insists, that is to say on the vacant ground in front of Your Memorialist's bungalow the Your memorialist submits that it would be more economical and better ~~in~~ every way for the Military authorities to buy out Your memorialist and convert Your memorialist's bungalow withsome small

additions

(22)

additions into double residential quarters for the two Senior Instructors. With recent improvements and additions Your memorialist's bungalow, No 25 Cubbon Road is now worth Rs 15,000/- at least and Your memorialist would rather accept this sum as compensation than allow her property to be depreciated in value by from 50% to 75% by being shut in in a congested area. Precedents such as Your memorialist's have been already quoted and owing to the locality. If the Military [illegible] buildings [illegible] front of these house properties the position of their owners and occupiers would be seriously affected.

16. Your [illegible] humbly begs leave to submit that it [illegible] would suit the Military [illegible] waste lands north of Cubbon Road [illegible] may be found that the Military authorities have not a vested right in little Shoreto.

In the interests of the Municipal Corporation and from [illegible] point of view it would be a positive disadvantage [illegible] the future of the Station will be [illegible]

Your [illegible] -

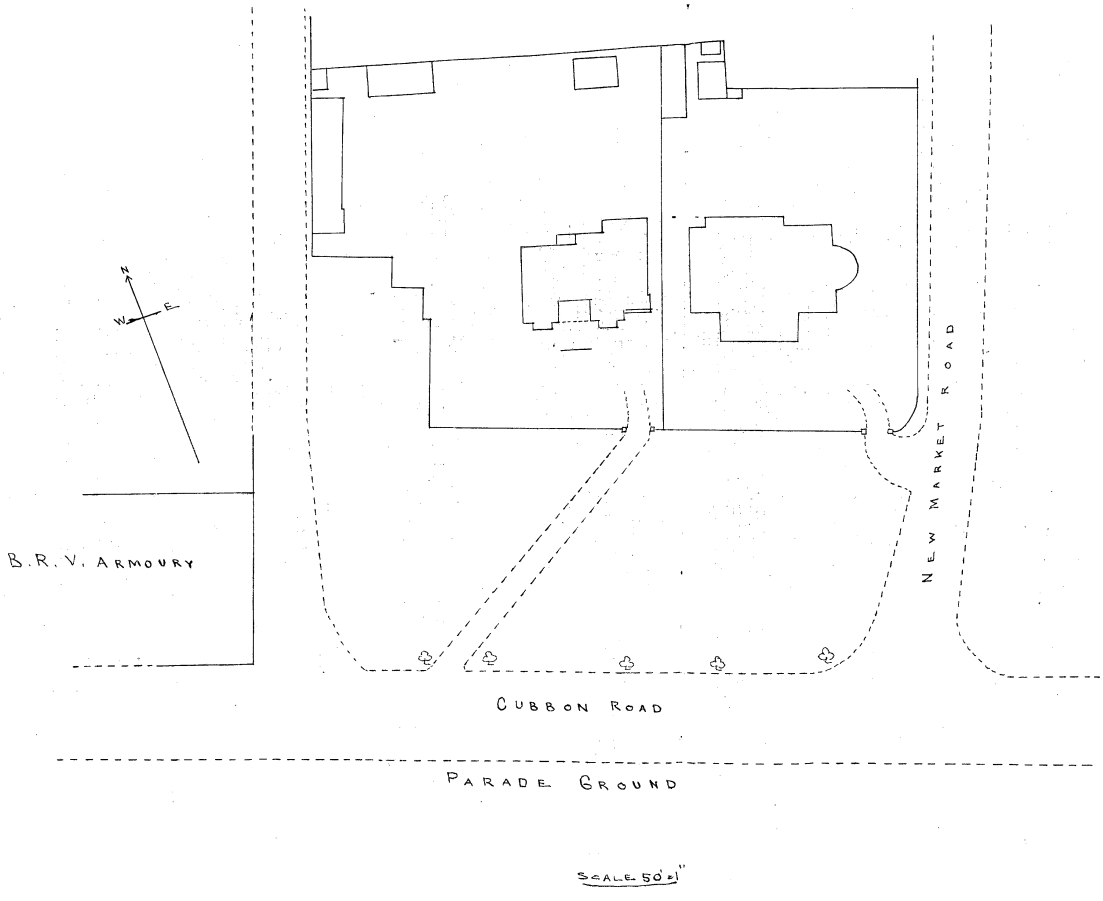
(1) That the Military authorities may [illegible] their [illegible] the so-called "waste" lands north of Cubbon Road [illegible] of the encroachments of the Military authorities.

(2) That in the event the Military authorities may be asked to consider and adopt any one of the alternative suggestions contained in paragraph 14 above.

And Your Memorialist as in duty bound

Will Ever Pray.

D. Le Simpson



SCALE- 50'=1"

(20) No. 6 711/7

Office of the Asst. Comdg. Royal Engineer,

Bangalore, 3rd/5th January 1911.

From

The Asst. Comdg. Royal Engineer,

Bangalore.

86
7.1.11
To
81/10

The First Assistant to the Hon'ble the Resident in Mysore,

Bangalore.

Sir,

2-5 In reference to your No.6155 of 11th. October 1910, I have the honour to inform you that it has now been decided to retain the Military land at the corner of Cubbon Road and Central Street for Military purposes, viz:- for the erection of a block of two semi-detached quarters with outbuildings for Sergeant Instructors of the Bangalore Rifle Volunteers.

2. This decision has been communicated to the Secretaries of the Bible and Tract Societies, and they have now asked that the land at the corner of Cubbon Road and New Market Road may be handed over to them. This land is shown on the enclosed blue print and measures 132' (depending on the alignment given to New Market Road, the boundary of which is now ill defined) from East to West.

3. I am directed to inquire whether the Hon'ble the Resident has any objection to the new Bible & Tract Depot premises being erected on that site.

Enclosure
Blue print-1 (N°42.A.)

I have the honour to be,
Sir,
Your obedient servant,

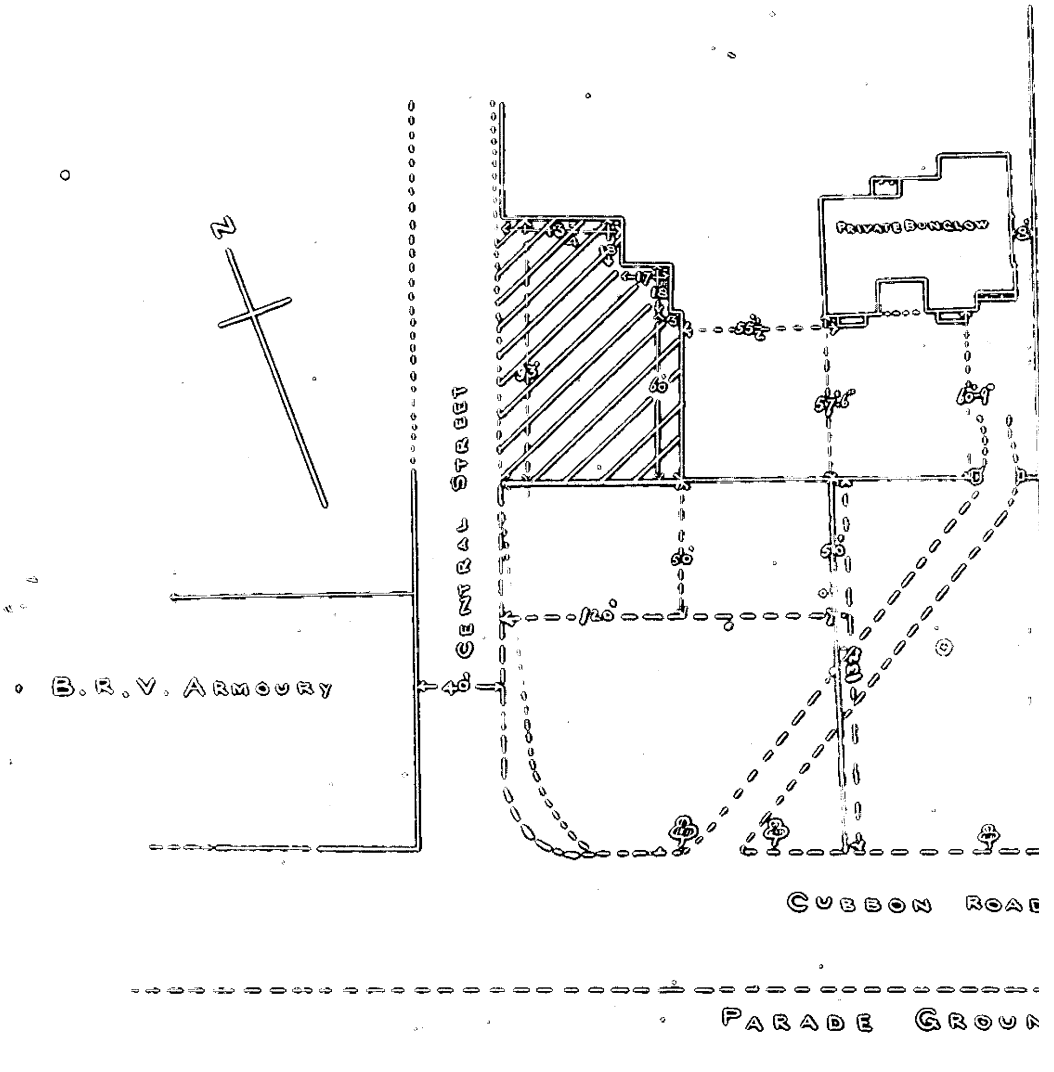
A M Reynolds

Lt.Colonel,R.E.,
A.C.R.E.,Bangalore.
D.R.V.

BANGALORE

SKETCH OF GROUND EAST OF VOL: AR

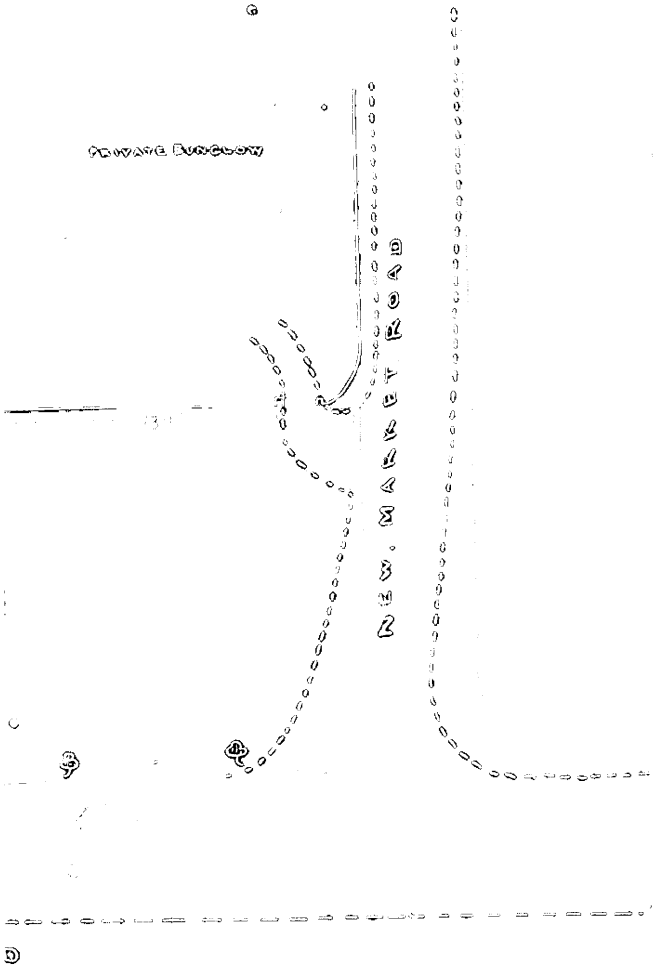
SCALE. 50:1'



A.C.R.E's OFFICE.
BANGALORE.
26TH-MAY-1910

PLAN No 42

IOURY



Lt-Col. R.E.,

A.C.R.E. BANGALORE

18

8

C.

INDIAN TELEGRAPHS.

61

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.

Rs.	As.

Office Stamp: 10 JA. G.T.C.

Handed in at (Office of Origin.)	Hour.	Minute.	Service Instructions.	Words
Mercara VO	13	54	Urgent	79

TO Registrar Resident Office
Bangalore

Telegram from General Troops
bangalore begins 142 M. W. S.
rupees six thousand has been
allotted to be spent by 31st. march
on volunteer sergeant ~~Lists~~. Quarter
bangalore Simpson ask fifteen
~~thousand~~ for his house and to

N. B.—The name of the Sender, if telegraphed, is written after the text.

Gulab Singh & Sons, Printers, Calcutta.

do
alter it will cost four thousand
more stop entirely new quarters
will cost eleven thousand
only stop will it be actionable
if we build on site proposed in
front of Simpsons house
Camp Clerk

N. B.—The name of the Sender, if telegraphed, is written after the text.

Gulab Singh & Sons, Printers, Calcutta.

THE RESIDENT'S OFFICE. (15)

TELEGRAM. 10

[DRAFT.]—For approval.

Dated 13 - 1 - 1911.

Despatched — do — 1911.

C. No. 5

From Anercara 89

From pt Asst Resident

To Bangalore

To General. Troops.

OFFICIAL INSTRUCTIONS.

S. O.

Yours telegram No 2. M. W. S.

Resident regrets that as question in regard to actionable claim might come before him in his judicial capacity, he is precluded from offering any advice.

(14)

12

RESIDENT'S OFFICE
BANGALORE
Register No. 519
Date of Receipt 27-1-11
File No.

This is Rec'd late
by Church 1166
2/1

H. C. R. E's Office,
Bangalore, 21. 1. 1911.

My dear Barbrooke

I am going off to the manoeuvres on 23rd, so shall not be at the Jow. wow on Thursday. Mr Jie, the Secy. of the Bible & Tract Soc'y. has been to ask me when a decision can

per phone - vide s/d No. 449 d/ 27th January 1911.

27/1

W. Richards Esq

Would you kindly expedite reply.

27/1

(13) 2/2 H.O. —1,500—16—4—1910. 13

No. 5594 Enc: 1 Plan

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE,

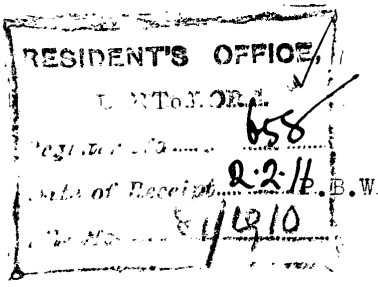
DATED 1st February 1911.

FROM

F. J. RICHARDS, ESQUIRE, M. A., I. C. S.,

President, Municipal Commission,

C. & M. Station, Bangalore.



TO F. B. WARBURTON, Esquire, I.C.S.,

FIRST ASSISTANT to the RESIDENT in MYSORE,

BANGALORE.

SIR,

With reference to your No.247 dated the 17th January 1911 regarding the land at the corner of Cubbon Road and New Market Road for the use of the Bible Tract Depôt, I have the honor to offer the following remarks:-

(1) I consider that owners of houses blocked in by the erection of new quarters will have very good cause for civil costs for damages for (a) depreciation of property by blocking air, view and light and (b) cost of shifting front of their bungalows.

(2) that the New Market Road is the most congested of all in the Station. There will be danger of accidents to traffic by building walls right up to edge of the road and erecting a building.

(3) that from a health point of view, the bodily blocking up of one house by another and the erection of latrines and go-downs appear objectionable.

(4) that carriages are parked in this ground when there is a Review or other ceremonial on the Maidan; the new buildings will seriously hamper the ~~building~~ handling of carriages by the police.

(5) that the proposal will spoil the appearance of the best road in Bangalore, Viz, the Cubbon Road.

The

The enclosure of your letter is returned.

I have the honor to be,
Sir,
Your most obedient servant,

President, Municipal Commission,
Civil and Military Station, Bangalore.

R. P. B.—9-1910.—6,000.

Serial No. 14
File No.

[DRAFT.]—For approval.

From

The A.C.

To

The A.C.E.,
Bangalore.

Sir,

No 859
D/14th February 1911.

I am directed to acknowledge the receipt of your letter No 6/A dt 3/5 January 1911, and in reply, to state that the Board does not consider it advisable that the land at the corner of Cubbon Road & Queen Victoria Road should be made available for building purposes. I am to suggest that the Bible & Tract Societies may be invited to attend and make suitable arrangements for the construction

Return yours
11/2 (Offs. 5) Yes PBCo

T. SHAMIENGAR, B. A., B. L.
ADVOCATE
CHAMARAJAPET, BANGALORE CITY.

RESIDENT'S OFFICE
BANGALORE
Registered No. 904
Date of receipt 14-2-11
Diary No. 84/1910

(9) Encl 1 & 15

Bangalore, 13th February 1911.

14/2

From,

T. Shamiengar Esq, B.A., B.L.

Advocate.

To,

The First Assistant to the Resident in Mysore,

BANGALORE.

Sir,

I am instructed by Mrs Daisy Millicent Simpson, wife of Mr Robert Wallace Simpson, residing at No. 25 Cubbon Road, Civil and Military Station Bangalore, to give notice in accordance with the provisions of section 80 Civil Procedure Code (Act V of 1908) that my Client intends to file a Suit against the Secretary of State for India in Council in respect of the matter referred to below:-

(1) That my Client and her predecessors in title have been in undisturbed possession of the Property known as No. 25 Cubbon Road, Civil and Military Station, Bangalore.

(2) That as such owners my Client and her predecessors in title enjoyed the use of the open ground (referred to ~~as~~ as in the accompanying sketch A.B.C.D.E.F.G.H.J.K.) lying on the south side of the aforesaid premises, and in addition thereto all appurtenances in the shape of easements of light, pure air, way, and free unobstructed view of the main public road known as Cubbon Road, and of the open parade ground to the south as well as of Central Street on the west side.

(3) That the British Military Authorities through their Local Representative the Assistant Commanding Royal Engineer

have resolved on building on the said vacant ground as indicated in the sketch in red ink, certain blocks for the use of two Sergeants Instructors of the Bangalore Rifle Volunteers. The intended buildings are apparently about to be started.

(4) That the erection of the said buildings would seriously prejudice my Client's rights as aforesaid and tend to seriously depreciate the value of her said property.

(5) That my Client ~~desires~~ derives the right of the said Military Authorities to build on the said vacant ground which is not, my Client avers, the absolute Property of the said Authorities or of Government, Even if the said land did at one time belong to the said Authorities, the same by non-user for over a period of 60 years has ceased to be the property of the Government, and cannot now be utilised in the manner proposed to the prejudice of my Client and of the public at large.

(6) My Client will inter alia pray in the suit to be instituted in due course for an injunction restraining the said Military Authorities or Government as the case may be from building on the said vacant ground and from interfering in any manner whatsoever with the rights of my Client as owner of the premises aforesaid.

I have the honour to be

Sir

Your most Obedient Servant

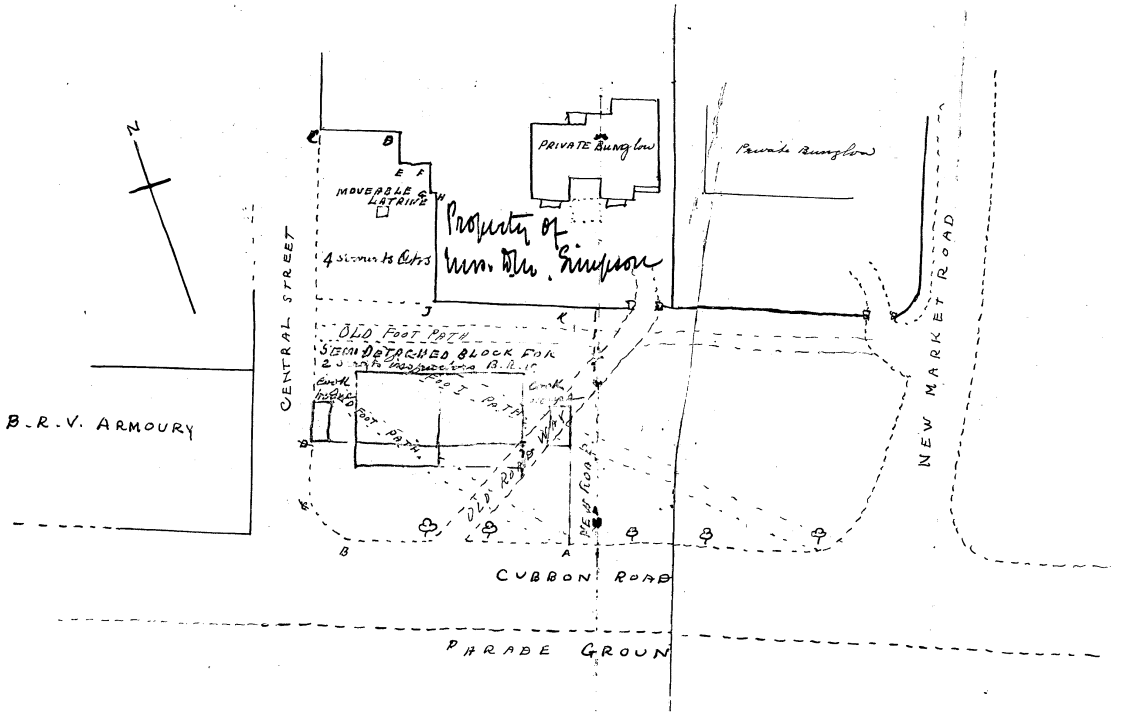
J. Shanmugam

Advocate

Bangalore

Sketch of Ground East of B.R. Vol. Armoury

SCALE 50-1"



R. P. B.—9-1910.—6,000.

(6)

Serial No. 16
File No.

[DRAFT.]—For approval.

From

To

[Return with letter No 13 Zb. 1911 from Sir Charles a]

No 9948 — 1
D/21st February 1911.

× Return requested

A copy of the foregoing minute
letter is forwarded herewith
to the A.C.R.E., Bangalore,
for the information of
the S.O.C.

7 Apl

15/2/11

21.2.11

10.2.11

From Rev. Edward P. Rice

Sec. British and Foreign Bible Society
(Bangalore Auxiliary)

To The Assistant to the Resident in Mysore.

RESIDENT'S OFFICE
BANGALORE.
Register No. 1208
Date of Receipt 27/2/11
File No. 81/11

Dear Sir,

The United Committees of the local Bible and Tract Societies wish to ask for advice from the Resident with reference to a site for a new Bible and Tract Depot; and they have appointed a deputation of four persons to wait upon him for the purpose. The four persons are the two Honorary Secretaries (Rev. W. H. Thorp and myself), Rev. D. A. Rees, and Mr. C. H. Yates, Vice President of the Bible Auxiliary. (or Col. J. Smyth, the President, if he should be in Bangalore).

Will you kindly consult the Resident, and ask him to grant the interview; and let me know when and where it will be convenient for him to meet us.

Yours Faithfully
Edward P. Rice
Hon. Sec. British & Foreign Bible Soc'y
(Bangalore Auxiliary)

No. 1270

(9)

FROM

P. B. WARBURTON, ESQ., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

Revd. E. P. Rice
Hony. Secy., British & Foreign Bible Society,
(Bangalore Auxiliary)

Dated Bangalore, 27th Feby *191*1.

SIR,

I am desired to acknowledge your letter dated the 25th February 1911 and to say that the Resident, as at present advised, sees no advantage in receiving a deputation in regard to the allotment of a site for the New Bible & Tract Depot.

2. The question appears to be one which should be decided by discussion with the A.C.F.W. and the Collector, Civil and Military Station who would refer to the Resident in case of necessity.

I have &c.
Sd/ P.B. Warburton
1st Asst. Resident.

R. P. B.—11-1910.—1,000.

(3)

19

(5) That my Client denies the right of the said Military Authorities to build on the said vacant ground which is not, my Client avers, the absolute property of the said Authorities or of Government. Even if the said land did at one time belong to the said Authorities, the same by non-user for over a period of 60 years has ceased to be the property of the -- Government, and cannot now be utilized in the manner proposed to the prejudice of my Client and of the public at large.

(6) My Client will inter alia pray in the suit to be instituted in due course, for an injunction restraining the -- said Military Authorities or Government as the case may be, from building on the said vacant ground and from interfering in any manner whatsoever with the rights of my Client as owner of the premises aforesaid.

&&&&&&&&&&&

II

Mysore Resident's Office,

No. 994 & 1 Batch

Bangalore, dated the 21st February 1911.

A copy of the foregoing letter, with its enclosure*, is forwarded herewith to the Assistant Commanding Royal Engineer, Bangalore, for the information of the General Officer Commanding.

Genl. 979 23.2.11

*Return requested.

First Assistant Resident.

K.N. 20.2.11.

III

No. 946 Date 23rd Febry 1911

4/3

F. H. M.

Returned as requested. The [illegible]

[illegible] OFFICE
[illegible] 1328
[illegible] 4.3.11
[illegible] 84/4/16

Troops Bangalore & Bellary would be glad to know whether building operations are to be stopped as asked in the petition, or whether we may proceed.

A Maynard
Lt Col RE
ACRE Bangalore

Nichts los
Danke für mein Buch
Weihnachten - Silvester
Neujahr bei F.A.P.
Bangemann

24/12

Hans

(1)

Letter dated the 13th February 1911, from Mr. T. Shamiengar, B.A.,B.L., Advocate, Chamrajapet, Bangalore City, to the First Assistant to the Resident in Mysore, Bangalore.

*****

I am instructed by Mrs. Daisy Millicent Simpson, wife of Mr. Robert Wallace Simpson, residing at No.25, Cubbon Road, Civil and Military Station, Bangalore, to give notice in accordance with the provisions of Section 80, Civil Procedure Code (Act V of 1908) that my Client intends to file a suit -- against the Secretary of State for India in Council in respect of the matter referred to below:-

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(2) That as such owners my Client and her predecessors in title enjoyed the use of the open ground (referred to in the accompanying sketch as A.B.C.D.E.F.G.H.J.K.) lying on the south side of the aforesaid premises, and in addition thereto all appurtenances in the shape of easements of light, pure air, way, and free unobstructed view of the main public road known as Cubbon Road, and of the open parade ground to the south as well as of Central Street on the west side.

(3) That the British Military Authorities through their Local Representative the Assistant Commanding Royal Engineer have resolved on building on the said vacant ground as indicated in the sketch in red ink, certain blocks for the use of two Sergeant Instructors of the Bangalore Rifle Volunteers. The intended buildings are apparently about to be started.

(4) That the erection of the said buildings would seriously prejudice my Client's rights as aforesaid and tend to seriously depreciate the value of her said property.

—21-1-1911.—4,000.